

JARED J. SCHARF
ATTORNEY AT LAW
1025 WESTCHESTER AVENUE • SUITE 305
WHITE PLAINS, NEW YORK 10604
(914) 682-9777

JARED J. SCHARF

ADAM L. SCHARF *

*NY, NJ BARS

MOTION ALLOWED

December 21, 2007

VIA FACSIMILE (914-390-4085)

Honorable Charles L. Bricant
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Application Granted
So Ordered
12/21/2007 Charles L. Bricant 10601
Re: United States v. Elia, et al.
Docket No. 07 Cr. 543 (CLB)

Dear Judge Bricant:

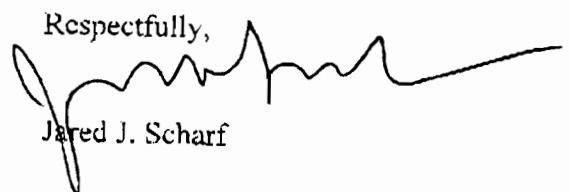
We respectfully request that the deadline for filing a motion to suppress evidence be extended from December 28, 2007 until January 10, 2008. That is the date that codefendant's motion for severance is due to be filed.

When we were in court on December 11, I stated that I would file the motion by December 28. At that time, I was aware that all my files, furniture and computer had been moved out of the office for the week due to work that was being done and that the office would be inaccessible until December 17. However, I was not aware that I would not be able to reorganize my files and to set up my computer promptly thereafter. When my files and computer were finally set up again, I was informed that I had failed to recall that my assistants, one paralegal and one associate lawyer, would be away for all of the holiday week and for most of the holiday week, respectively, and, therefore, unavailable to assist me. I will also be away next week, but I believed I could complete work on the motion where I will be. I had intended to e-mail the completed motion to my paralegal and have her assemble it, scan it, and file and serve it. I do not have the facilities to do all that where I will be.

I attempted to contact Ms. Dunne to ascertain if the government objects to this request. I left a voice mail message for Ms. Dunne inquiring if the government objects. I have not received her response yet.

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Thank you very much.

Respectfully,

Jared J. Scharf

cc: Cynthia K. Dunne, Esq.
Joseph A. Vita, Esq.